



# House of Representatives

General Assembly

**File No. 431**

February Session, 2002

House Bill No. 5763

*House of Representatives, April 10, 2002*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING A TRANSFER UPON DEATH OPTION IN THE MOTOR VEHICLE REGISTRATION FORM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-12 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2002*):

4 (b) (1) To obtain a motor vehicle registration, except as provided in  
5 subsection (c) of this section, the owner shall file in the office of the  
6 commissioner an application signed by him and containing such  
7 information and proof of ownership as the commissioner may require.  
8 The application shall be made on blanks furnished by the  
9 commissioner. The blanks shall be in such form and contain such  
10 provisions and information as the commissioner may determine.

11 (2) The commissioner shall make applications available to register a  
12 motor vehicle in beneficiary form. Provided a motor vehicle has one

13 owner, such owner may, upon registration of the motor vehicle as  
14 required by the commissioner, designate a beneficiary who will  
15 assume ownership of the motor vehicle upon the death of the owner.  
16 The owner of a motor vehicle registered in beneficiary form shall have  
17 all rights of ownership during his or her life, and the beneficiary shall  
18 have no rights in the motor vehicle until such time as the owner dies.  
19 Not later than forty-five days after the owner's death, the beneficiary  
20 shall register the motor vehicle in his or her own name by paying any  
21 required fee and submitting (A) a new application form, (B) the  
22 owner's registration naming such beneficiary, if available, and (C) a  
23 death certificate for the owner. If the beneficiary fails to comply with  
24 the requirements of this subdivision, the beneficiary shall be fined the  
25 amount designated for the infraction of failure to renew a registration,  
26 but the beneficiary's right to retain his or her operator's license shall  
27 not be affected. The commissioner may adopt regulations, in  
28 accordance with the provisions of chapter 54, to implement the  
29 provisions of this subdivision.

30 Sec. 2. Subsection (a) of section 15-144 of the general statutes is  
31 repealed and the following is substituted in lieu thereof (*Effective*  
32 *October 1, 2002*):

33 (a) (1) Any owner desiring to obtain a vessel registration number or  
34 registration decal shall apply to the Commissioner of Motor Vehicles  
35 and shall file evidence of ownership by affidavit or document. Upon  
36 receipt of an application in proper form and the numbering fee, the  
37 Commissioner of Motor Vehicles shall assign a registration number or  
38 registration decal and provide the owner with a temporary certificate  
39 of number or temporary certificate of decal. The Commissioner of  
40 Motor Vehicles shall issue two registration decals and a permanent  
41 certificate. A registration decal shall be displayed on each side of the  
42 vessel at the bow in a manner prescribed by the Commissioner of  
43 Environmental Protection. The certificate shall state the name of the  
44 owner, his address, a description of the vessel, its hull identification  
45 number, the expiration date of the certificate and such other  
46 information as the Commissioner of Environmental Protection may

47 prescribe by regulations. Such certificate shall be carried aboard and  
48 shall be available for inspection upon the vessel for which it is issued  
49 whenever the owner or any person authorized by him is aboard such  
50 vessel, except that the certificate of number for a vessel which is less  
51 than twenty-six feet and which is rented for noncommercial purposes  
52 for less than twenty-four hours may be retained on shore by the owner  
53 of such vessel or his agent at the place where such vessel departs or  
54 returns. If such certificate is retained on shore, a rental agreement  
55 signed by the owner or his agent and by the person renting the vessel  
56 shall be carried aboard such vessel and shall be available for  
57 inspection. Such rental agreement shall contain the vessel number  
58 which appears on the certificate of number and the length of time for  
59 which such vessel is rented.

60 (2) The Commissioner of Motor Vehicles shall make applications  
61 available to register a vessel in beneficiary form. Provided a vessel has  
62 one owner, such owner may designate a beneficiary who will assume  
63 ownership of the vessel upon the death of the owner. The permanent  
64 certificate issued by the commissioner shall contain, in addition to the  
65 name of the owner, the name of the beneficiary. The owner of a vessel  
66 registered in beneficiary form shall have all rights of ownership during  
67 his or her life, and the beneficiary shall have no rights in the vessel  
68 until such time as the owner dies. Upon the owner's death, the  
69 beneficiary shall register the vessel in his or her own name by paying  
70 the required fee and submitting (A) a new application form, (B) the  
71 owner's certificate naming such beneficiary, if available, and (C) a  
72 death certificate for the owner. If the beneficiary fails to comply with  
73 the requirements of this subdivision, the beneficiary shall be fined not  
74 less than twenty-five nor more than two hundred dollars. The  
75 Commissioner of Motor Vehicles may adopt regulations, in accordance  
76 with the provisions of chapter 54, to implement the provisions of this  
77 subdivision.

This act shall take effect as follows:	
Section 1	October 1, 2002

Sec. 2	October 1, 2002
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**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
TF - Cost	Motor Vehicle Dept.	-	95,600	Indeterminate
TF - Revenue Gain	Motor Vehicle Dept.	-	Minimal	Minimal

Note: TF=Transportation Fund

**Municipal Impact:** None

#### **Explanation**

The bill allows the sole owner of a motor vehicle or vessel to designate a beneficiary who will assume ownership upon the owner's death. If upon the death of the owner, the beneficiary fails to comply with the renewal registration provisions, he is subject to a fine depending on whether it applies to a motor vehicle or vessel.

Since this is a new program for the Department of Motor Vehicles (DMV), additional resources would be required. (Currently, these beneficiary cases are resolved through probate court). As the result of this bill, the department would need to establish an "electronic beneficiary information file" which would link license marker plates and the vehicle identification number. It is estimated that first-year costs for two (2) Durational Programmers @ \$400 per day for 77 days would be \$61,600, CATER charges (the Connecticut Administrative Technology Center) would be \$24,000 and the cost for the application form would be \$10,000. Thus, first-year costs would total \$95,600. Personal Services costs will depend on the manner that the program is implemented, based on the adoption of regulations, and the extent that sole owners will require beneficiary applications.

Revenue from fines imposed on beneficiaries who fail to renew the registrations upon the death of the owner of a motor vehicle is indeterminate but is expected to be minimal.

**OLR Bill Analysis**

HB 5763

***AN ACT CONCERNING A TRANSFER UPON DEATH OPTION IN  
THE MOTOR VEHICLE REGISTRATION FORM*****SUMMARY:**

This bill allows the sole owner of a motor vehicle or vessel to designate on the registration form a beneficiary who will assume ownership on his death. The owner has all ownership rights during his life and the beneficiary has none until the owner's death. For a vessel, the permanent certificate must contain the name of the beneficiary as well as the owner.

The bill requires a beneficiary to register a motor vehicle or vessel in his own name after the owner's death by paying any required fee and submitting (1) a new application form; (2) the owner's registration or certificate naming the beneficiary, if available; and (3) the owner's death certificate. He must register a motor vehicle within 45 days of the owner's death and if he fails to comply with these provisions, he is subject to a fine of \$78 plus fees and costs. (This is the fine set by the Superior Court for failing to renew a registration, if mailed in.) The fine does not affect the beneficiary's right to retain his operator's license. If he does not comply with these provisions regarding a vessel, he is subject to a fine of between \$25 and \$200.

The motor vehicles commissioner must make appropriate forms available and can adopt regulations to implement the bill's provisions.

EFFECTIVE DATE: October 1, 2002

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea 41      Nay 0